

REMARKS

Claims 1-8 were pending in this application. Claims 2 and 6 have been canceled. Claims 1 and 4 have been amended herein to incorporate the subject matter of canceled claims 2 and 6, respectively. Applicant submits that no new matter has been added by way of this amendment. Support for the amendment can be found throughout the specification, particularly at page 5, lines 28-30. Further, Figure 1 shows that the output shaft 56 and the differential case 22 form a single and monolithic cast member. Applicant respectfully requests entry of the foregoing amendment and reconsideration of the above-identified application, in view of the above amendment and following remarks.

Claim rejections – 35 U.S.C. § 103

1. Claims 1, 3-5 and 8 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the “admitted prior art of the present invention”, specifically Figure 2. See Office Action, p. 2. Applicant respectfully traverses this rejection and respectfully submits that claims 1, 3-5 and 8 are patentably distinct from the cited references, taken alone or in combination.

The Examiner alleges that it is merely a matter of obvious engineering choice to make plural parts unitary. See Office Action, p. 3. However, the distinction between the differential apparatus of the Applicant’s invention and that of the prior art is subtle, but critical. For example, the apparatus of the Applicant’s claimed subject matter can provide numerous advantages as described on pages 5 and 6 of the specification. In addition, the differential case and the output shaft, which are monolithically formed by casting, have the same thermal expansion coefficient. Unlike the prior art, the claimed subject matter can prevent crack formation in the differential apparatus due to a difference in thermal expansion coefficient. The

prior art does not provide any suggestions or teachings to form a single and monolithic cast member including the output shaft and the differential case as recited in amended independent claims 1 and 4, and can not provide the advantages of the claimed subject matter. Therefore, Applicant's submit that the cited reference does not render obvious the claimed subject matter.

Therefore, amended independent claims 1 and 4 are patentably distinct from the prior art. Further, claims 3, 5, and 8, which are directly or indirectly dependent from amended independents claim 1 and 4, are also patentably distinct from the prior art for at least a similar reason. Therefore, Applicant requests withdrawal of this ground of rejection.

2. Claims 2, 6 and 7 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the "prior art of the present invention" as applied to claims 1 and 4 and in further view of U.S. Patent No. 6,883,235 to Bell. Applicant respectfully traverses this rejection and respectfully submits that claims 1, 4, and 7 are patentably distinct from the cited references, taken alone or in combination.

For similar reasons stated above, Applicant submits that the prior art does not render obvious the claimed subject matter.

With respect to Bell, Applicant's submit that Bell does not provide any suggestions or teachings to form a single and monolithic cast member including the output shaft and the differential case as recited in amended independent claims 1 and 4. Moreover, Bell fails to disclose a single and monolithic cast member including both a differential case and an output shaft. Rather, Bell merely discloses an assembly 10 including a differential case 12 integrally joined with a ring gear 26. See Bell, col. 2 ll. 3-50 & Fig. 1.

Bell discloses at column 2, lines 32-35 that the assembly 10 is formed by casting the differential case 12 about a portion of the ring gear 26 to secure the ring gear 26 and the

differential case 12 to one another. In addition, Bell discloses at column 2, lines 33-37 that the ring gear 26 and the differential case 12 may be constructed from dissimilar materials.

Accordingly, Bell teaches that the ring gear 26 and the differential case 12 do not form a single and monolithic cast member. This is contrary to the Applicant's claimed subject matter. There is no motivation to combine Bell with the admitted prior art to arrive at the claimed subject matter.

Therefore, amended independent claims 1 and 4 are patentably distinct from the prior art in view of Bell. Further, claim 7, which is directly dependent from amended independent claim 4, is also patentably distinct from the prior art for at least a similar reason. Therefore, Applicant requests withdrawal of this ground of rejection.

CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. **5000-5169**. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **13-4500**, Order No. **5000-5169**. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
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